

Department of Agriculture

Notice of Intent to Adopt Regulations

In accordance with section 4-168(a) of the Connecticut General Statutes, notice is hereby given that the Milk Regulation Board, pursuant to the authority of section 22-203c of the Connecticut General Statutes, proposes to adopt regulations concerning the testing of milk and milk products for the presence of antibiotics and other inhibitors, applicable to producers and processors.

Statement of Purpose: The Standards for Testing for the Presence of Drug Residues or other Inhibitory Substances.

All interested persons are invited to submit written data, views or arguments in connection with the proposed action. Any comments must be received within thirty days following publication of this notice in the Connecticut Law Journal. Written comments may sent to the,

State of Connecticut

Department of Agriculture

165 Capitol Ave.

Hartford, CT 06106

Attention: Wayne Kasacek, Asst. Director, Bureau of Regulation and Inspection

Copies of the proposed regulation may be obtained by writing to the Department of Agriculture at the above address or by telephoning (860)713-2508. The proposed regulation may also be viewed by visiting the Department of Agriculture's internet website at <http://www.ct.gov/doag/> and clicking on "Proposed Regulations".

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STATE OF CONNECTICUT REGULATION

of

NAME OF AGENCY

DEPARTMENT OF AGRICULTURE

Concerning

SUBJECT MATTER OF REGULATIONS

The Standards for Testing for the Presence of Drug
Residues or other Inhibitory Substances

Section 1. The Regulations of Connecticut State Agencies are amended by adding Sections 22-203c-6 to 22-203c-10 inclusive, as follows:

(NEW) Sec. 22-203c-6. Drug residue or other inhibitor testing and reporting. Definitions for the purposes of sections 22-203c-7 through 22-203c-10 inclusive, of the Regulations of Connecticut State Agencies.

1. "Intrastate dealer" means any person, firm, corporation, limited liability company or association who receives, pasteurizes, processes and bottles milk from one or more farms located within Connecticut and who sells or offers for sale milk or milk products only within the State of Connecticut.
2. "Interstate dealer" means any person, firm, corporation, limited liability company or association who receives, pasteurizes, processes and bottles milk from one or more farms, who sells or offers for sale milk or milk products, and has been awarded an acceptable milk sanitation rating by a state rating officer.

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(NEW) Sec. 22-203c-7. Certified milk laboratories and milk screening laboratory, standards.

- (a) The following are incorporated by reference. Evaluation of Milk Laboratories, U.S. Department of Health and Human Services, Public Health Service/Food and Drug Administration, Pasteurized Milk Ordinance (PMO) as amended from time to time.
- (b) The standards set forth in this section shall only apply to those certified milk laboratories and milk screening laboratories, testing milk from a supply listed in the current Interstate Milk Shippers (IMS) list as published by the United States Food and Drug Administration.

The material incorporated by reference is available for public inspection and copying during business hours by contacting:

Connecticut Department of Agriculture
Bureau of Regulation and Inspection
165 Capitol Avenue
Hartford, CT 06106

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(NEW) Sec. 22-203c-8. Intrastate dealers and retail raw milk producers. Testing of milk for the presence of drug residues or other inhibitory substances.

- (a) All retail raw milk producers and intrastate dealers with a herd of ten (10) or fewer milking aged animals shall comply with the following:
 - (1) Keep records of the administration of any drug(s) including dry animal treatments, to milking age animals. Records shall be in a form and kept in a manner acceptable to the commissioner or the commissioners designated agent. The record shall be kept on the premises for twelve (12) months and shall be available for inspection. The record shall include:
 - a. The name of the drug(s);
 - b. Date of the treatment;
 - c. Name of person administering the treatment;
 - d. The identification of the animal(s) treated;
 - e. Milk withholding period;
 - f. Date the milk was offered for sale after the withholding period has ended; and
 - g. If the drug(s) used are not labeled by the manufacturer with the directions for use or the withholding period for the species involved, the name of the prescribing veterinarian, the veterinarian's prescribed withholding time and the veterinarian's prescribed directions for use.
- (b) All retail raw milk producers and intrastate dealers with a herd of more than ten (10) milking aged animals and intrastate dealers who receive milk from other producers, shall comply with the following:
 - (1) Each tank of milk shall be tested before any unloading or processing has begun;
 - (2) The test used to detect the presence of drug residues or other inhibitory substances shall be approved by the commissioner and capable of detecting drug(s) or other inhibitory substance(s) at or below the tolerance levels established by the US Food and Drug Administration;
 - (3) Testing areas shall have adequate lighting, be clean and well ventilated;
 - (4) Records shall include the date of the test, name of person conducting the test, identification of the tank, bulk truck or trailer or the producer, results of the test, and the disposition of the milk. Records shall be in a format acceptable to the commissioner, shall be kept for twelve (12) months on the premises and shall be available for inspection;
 - (5) The commissioner shall be notified of any positive test result within four hours of the test. Notification of positive test results may be by telephone, facsimile or other means acceptable to the commissioner;
 - (6) All test materials and test instructions shall be kept in the testing area and shall be available for inspection; and
 - (7) All test equipment and supplies shall be properly stored according to the manufacturer's instructions.

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(NEW) Sec. 22-203c-9. Producers. Testing of milk for the presence of drug residues or other inhibitory substances.

- (a) Whenever the commissioner requires a producer to test for the presence of drug residues or other inhibitors the milk producer shall:
- (1) Use a test approved by the commissioner that is capable of detecting the drug(s) or other inhibitory substances in use on the farm, at or below the tolerance levels established by the US Food and Drug Administration;
 - (2) Keep testing areas clean and well ventilated;
 - (3) Keep records of testing in a ledger format, that includes the date of the test, name of the person testing the milk, identification of the tank being tested, test results and disposition of the milk;
 - (4) Milk test records shall be kept for twelve months on the premises and shall be available for inspection;
 - (5) All test materials and test instructions shall be kept in the testing area and shall be available for inspection; and
 - (6) Properly store any test materials according to the manufacturer's instructions.

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(NEW) Sec. 22-203c-10 Milk producer, intrastate dealer, interstate dealer, retail raw milk producer or retail raw milk cheese manufacturer. Drug residues or other inhibitory substances found.

- (a) The commissioner may suspend any license, permit or registration issued by the department to an intrastate dealer, interstate dealer, cheese manufacturer, retail raw milk producer or retail raw milk cheese manufacturer whose finished products are found to contain drug residues or other inhibitors at or above the tolerance levels for drugs or other inhibitors established by the United States Food and Drug Administration. The suspension shall remain in effect until such time as the commissioner or the commissioner's designated agent determines that all cheese, milk or milk products, retail raw milk or retail raw milk cheese, produced, processed or offered for sale no longer contain drug residues or other inhibitors at or above the tolerance levels for drugs or other inhibitors established by the United States Food and Drug Administration. Before resumption of producing, processing or manufacturing of cheese, milk or milk products, retail raw milk or retail raw milk cheese, the intrastate dealer, interstate dealer, cheese manufacturer, retail raw milk producer or retail raw milk cheese manufacturer shall comply with the testing requirements found in sections 22-203c-7 or 22-203c-8(b) of the Regulations of Connecticut State Agencies.
- (b) The confirmed presence of drug residues or other inhibitory substances at or above the tolerance levels for drugs or other inhibitors established by the United States Food and Drug Administration in cheese, milk or milk products, retail raw milk or retail raw milk cheese offered for sale to the final consumer shall be considered an imminent public health threat. The commissioner shall prevent the sale and cause to be destroyed all contaminated products in accordance with section 22-129 and 22-129a of the Connecticut General Statutes. The intrastate dealer, interstate dealer, cheese manufacturer, retail raw milk producer or retail raw milk cheese manufacturer may be required to initiate a product recall. The intrastate dealer, interstate dealer, cheese manufacturer, retail raw milk producer or retail raw milk cheese manufacturer shall make available to the commissioner or the commissioner's designated agent the names and contact information of all known consumers, distributors and retail sales outlets.
- (c) The commissioner may institute proceedings to revoke any license, permit or registration issued by the department to an intrastate dealer, interstate dealer, cheese manufacturer, retail raw milk producer or retail raw milk cheese manufacturer whose cheese, milk or milk products, retail raw milk or retail raw milk cheese have been found to contain drug residues or other inhibitors at or above the tolerance levels for drugs or other inhibitors established by the United States Food and Drug Administration.
- (d) A milk producer whose milk is found to contain drug residues or other inhibitors at or above the drug tolerance levels established by the United States Food and Drug Administration shall not sell or offer for sale any milk until the commissioner or the commissioner's designated agent determines that the milk no longer contains drug residues or other inhibitors at or above the tolerance levels for drugs or other inhibitors established by the United States Food and Drug Administration. Before resumption of selling milk or offering milk for sale the commissioner may require compliance with section 22-203c-9 of the Regulations of Connecticut State Agencies.

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- (e) The commissioner may institute proceedings to suspend or revoke the milk producer permit of any milk producer whose milk has been found to contain drug residues or other inhibitors at or above the tolerance levels for drugs or other inhibitors established by the United States Food and Drug Administration more than twice during any twelve (12) month period.

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Section 2

Sections 22-203c-1 to 22-203c-5 inclusive, of the Regulations of Connecticut State Agencies is repealed.

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Statement of Purpose: Modernize the regulations of the Connecticut Department of Agriculture. To establish standards for the operation of milk testing laboratories associated with an interstate milk shippers and be uniform with federal guidelines and regulations in surrounding states. To provide standards that can provide a high level of confidence that foods produced by smaller, intrastate businesses are safe and not impose financial burdens that might prevent smaller businesses from being established.